

and 5 cases each containing 24 cans of turnip greens at Orlando, 104 cases each containing 24 cans of turnip greens at Tampa, and 101 cases each containing 24 cans of turnip greens at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about November 24, 1941, to on or about March 31, 1942, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Crine's Quality Turnip Greens Contents 6 Lbs. 2 Ozs. [or "1 Lb. 11 Oz." or "1 Lb. 2 Ozs."]."

On June 5 and 26 and July 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

3549. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases and 2,200 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion and relabeling of remainder. (F. D. C. Nos. 6327, 6363, 6364, 6365. Sample Nos. 67501-E, 67502-E, 67503-E, 67119-E, 67120-E.)

Examination showed that this product was substandard, that a portion was short weight, and that a portion was in part decomposed.

On December 10, 1941, the United States attorney for the Eastern District of Oklahoma filed libels against 1,000 cases of canned tomatoes at Ada, Okla., 600 cases at Hugo, Okla., and 1,600 cases at McAlester, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about September 1, 1941, to on or about September 19, 1941, by Smith Canning Co. from Prairie Grove and Fayetteville, Ark.; and charging that it was misbranded and that a portion was also adulterated. It was labeled in part: "Cowboy Tomatoes Contents 1 Lb. 3 Oz. Hale-Halsell Company Distributors * * * McAlester, Okla."

A portion of the article (2,200 cases) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The said portion was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard because the drained weight, as determined by the method prescribed in the standard, was less than 50 percent of the weight of water required to fill the container and its label failed to bear in such manner and form as such regulations specify a statement that it fell below such standard.

The remaining 1,000 cases were alleged to be misbranded (1) in that the statement "Contents 1 Lb. 3 Oz." was false and misleading as applied to an article that was short weight; (2) in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it purported to be a food for which a standard of fill of container had been prescribed by regulation as provided by law and fell below such standard, since the fill of container was less than 90 percent of the total capacity of the container, and its label failed to bear, in manner and form as specified by law, a statement that it fell below such standard.

On February 7, 1942, the Hale-Halsell Company, claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be destroyed or brought into compliance with the law under the supervision of the Food and Drug Administration. On May 12, 1942, the 1,000 cases that were misbranded only, having been brought into compliance with the law, were ordered delivered to the claimant.

Nos. 3550 to 3569 report actions based on interstate shipment of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

3550. Adulteration of tomato catsup, tomato puree, and tomato paste. U. S. v. Ivan C. Morgan (Morgan Packing Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 5537. Sample Nos. 42237-E, 42714-E, 47147-E, 47421-E, 56581-E, 56584-E, 5373-E, 5375-E.)

On April 10, 1942, the United States attorney for the Southern District of Indiana filed an information against Ivan C. Morgan, trading as Morgan Packing Co. at Austin, Ind., alleging shipment within the period from on or about August 6, 1940, to on or about March 5, 1941, from the State of Indiana into the States of New York, Ohio, Illinois, Kentucky, and Tennessee of quantities of tomato catsup, tomato puree, and tomato paste that were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously:

"American Beauty Brand Tomato Catsup"; "Cream Brand Tomato Catsup Packed For Mahoning Valley Flour Co. Youngstown, Ohio"; "Scott Co. Brand Tomato Puree"; "Kenmore * * * Tomato Catsup Packed For John Sexton & Co. Distributors Chicago-Brooklyn Established 1883"; "Bel Paese Brand Tomato Paste"; and "Columbus Tomato Puree * * * Packed by Columbus Packing Co., Columbus, Ind."

On April 20, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$400.

3551. Adulteration of tomato ketchup. U. S. v. 78 Cases of Ketchup. Default decree of condemnation and destruction. (F. D. C. No. 7168. Sample No. 87158-E.)

On April 8, 1942, the United States attorney for the District of Columbia filed a libel against 78 cases, each containing 24 bottles, of tomato ketchup at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 23, 1942, by Hirsch Bros. & Co., Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "14 Oz. Avd. Paramount Oyster Hot Ketchup."

On May 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3552. Adulteration of tomato catsup. U. S. v. 29 Cases, 1,400 Cases, and 1,218 Cases of Tomato Catsup. Default decrees of destruction. (F. D. C. Nos. 6755, 7346, 7425. Sample Nos. 73206-E, 73212-E, 86604-E.)

On January 28, April 15, and May 7, 1942, the United States attorneys for the Northern District of Illinois and the Western District of Missouri filed libels against 29 cases each containing 24 14-ounce bottles of tomato catsup at Chicago, Ill., and 2,618 cases each containing 24 14-ounce bottles of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 22, 1941, and March 21 and April 7, 1942, by Summit Packing Co. from La Porte and Wellsboro, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Pagin's * * * Tomato Catsup," or "Lady Clare Brand Tomato Catsup."

On April 24 and June 27, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

3553. Adulteration of tomato catsup. U. S. v. 920 Cases of Tomato Catsup (and 8 other seizure actions against tomato catsup). Cases ordered consolidated. Consent decrees of condemnation entered and product ordered released under bond. (F. D. C. Nos. 6309 to 6313, incl., 6372, 6387, 6388, 6546. Sample Nos. 62995-E, 71141-E, 71142-E, 79241-E, 79242-E, 79321-E, 79322-E, 79543-E, 79544-E, 79742-E.)

Between November 28 and December 17, 1941, the United States attorneys for the Southern District of Ohio, the Northern District of Ohio, the Eastern District of Michigan, and the Eastern District of Missouri filed libels against 1,069 cases of tomato catsup at Cincinnati, 704 cases at Cleveland, and 1,832 cases at Toledo, Ohio; 1,498 cases at Detroit, Mich., and 582 cases at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 7 to on or about November 26, 1941, by G. S. Suppiger Co. from Mount Summit, Ind., and Collinsville, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part variously: "Brooks Tabasco Flavor Catsup"; "Brooks Old Original Catsup"; or "Highland Brand Tomato Catsup * * * Distributed By Associated Grocers St. Louis, Mo."

On March 14, 1942, the G. S. Suppiger Co. having appeared as claimant, an order was entered in the Southern District of Ohio consolidating all cases for final disposition in that district. On July 18, 1942, the claimant having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction, under the supervision of the Food and Drug Administration, of all portions that failed to comply with the law.

3554. Adulteration of tomato juice. U. S. v. 248 Cases of Tomato Juice. Decree of condemnation and destruction. (F. D. C. No. 7012. Sample No. 89058-E.)

On March 12, 1942, the United States attorney for the Eastern District of New York filed a libel against 248 cases of tomato juice at Brooklyn, N. Y., alleging the article had been shipped in interstate commerce on or about January 28 and